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प्रसाधारण

भाग I—खण्ड 1

PART I—Section 1

EXTRAORDINARY

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह छलन संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF HOME AFFAIRS

RESOLUTION

New Delhi, the 11th November 1967

No. 18/19/67-Delhi.—The Government of India have considered the report of the Commission of Inquiry set up in July 1967 to—

(a) inquire into and report on—

- (i) the causes and course of the disturbances
- (ii) the way the jail authorities dealt with the situation; and

(b) recommend whether any change in the working arrangements or other measures are necessary to prevent the recurrence of similar incidents in the jail.

2. As regards the causes and course of the disturbances, the Government of India have accepted the findings of the Commission that while the initial fault lay with the satyagrahi prisoners, the major cause of the disturbances was a voluntary and unjustified attack by some of the convict officials with the assistance of some ordinary convicts, on the satyagrahi prisoners at three different places in the Jail.

3. The Government have also accepted the conclusion of the Commission that there was no failure of the machinery designed to deal with the disturbances as far as the higher level was concerned but that at the lower level there was in part, at any rate, a complete break down because most of the convict officials meant to bring a disturbance under control, had themselves brought about the disturbance and instigated some of the prisoners to do so.

4. The recommendations of the Commission in respect of the measures to be taken to prevent a recurrence of similar incidents in the Jail have also been accepted by the Government.

5. Government take this opportunity to convey their thanks for the work done by the Commission.

ORDER

Ordered that the resolution and the Commission's report be published in the Gazette of India for general information.

A. D. PANDE, Jt. Secy.

गृह मंत्रालय

संकल्प

नई दिल्ली, 11 नवम्बर 1967

सं० 18/19/67 - दिल्ली.—भारत सरकार ने जुलाई, 1967 में नियुक्त जांच आयोग के प्रतिवेदन पर विचार कर लिया है। इस आयोग की स्थापना—

(क) निम्नलिखित की जांच करने और उन पर प्रतिवेदन देने के लिए—

(i) गड़बड़ी के कारणों और घटनाक्रम पर

(ii) जेल अधिकारियों ने स्थिति का सामना किस प्रकार किया, और

(ख) इस बात की सिफारिश करने के लिए की गई थी कि क्या जेल की कार्य-पद्धति अथवा अन्य उपायों में कोई परिवर्तन करने की आवश्यकता है ताकि जेल में इस प्रकार की घटनाओं की आवृत्ति को रोका जा सके।

2. जहां तक गड़बड़ी के कारणों और घटना क्रमों का सम्बन्ध है, भारत सरकार ने आयोग के निष्कर्षों को स्वीकार कर लिया है कि प्रारम्भिक दोष सत्याग्रही बन्धियों का होने हुए भी गड़बड़ी का मुख्य कारण जेल में तीन भिन्न भिन्न स्थानों पर साधारण बन्धियों की सहायता से बन्दी अधिकारियों द्वारा सत्याग्रही बन्धियों पर अपने आप अत्यन्त रूप से आक्रमण करना था।

3. सरकार ने आयोग के इस निष्कर्ष को भी स्वीकार किया है कि जहां तक उच्च स्तर का सम्बन्ध है गड़बड़ी का सामना करने के उद्देश्य से स्थापित व्यवस्था छिन्न नहीं हुई थी, किन्तु फिर भी निचले स्तर पर व्यवस्था पूर्णतः छिन्न हो गई थी। ऐसा इसलिए हुआ क्योंकि बन्दी अधिकारियों में से अधिकांश ने ही गड़बड़ी को उत्पन्न किया था और कुछ बन्धियों को ऐसा करने के लिए उकसाया था, जबकि इन अधिकारियों पर ही गड़बड़ी को नियन्त्रण में लाने का उत्तरदायित्व होता है।

4. सरकार ने जेल में इस प्रकार की घटनाओं की आवृत्ति को रोकने के लिए उठाये जाने वाले कदमों के बारे में आयोग द्वारा दी गई सिफारिशों को भी स्वीकार कर लिया है।

5. सरकार इस प्रसंग पर आगामी को उसके कार्य के लिए धन्यवाद देती है।

आदेश

आदेश दिया जाता है कि यह संकलन तथा आयोग का प्रतिवेदन जनसामान्य के सूखनार्थ भारत के राजपत्र में प्रकाशित किया जाय।

प्र० द० पांडे,
संयुक्त सचिव।

BEFORE SHRI S. S. DULAT, COMMISSION OF INQUIRY, DELHI

*Inquiry report into the Disturbances that took place in the Central Jail, Tehar,
New Delhi on the 29th June, 1967*

REPORT

In April, 1966, the Sarv daliya Go Raksha Maha Abhiyan Samiti representing all sects of Hindus started a movement for a total ban on cow slaughter. The method adopted was agitational and there were, in support of this movement, demonstrations and processions in Delhi and New Delhi. In September, 1966, there was a fairly big demonstration before Parliament House and on the 7th November, 1966, there was a bigger demonstration which ended in some rioting and considerable force including fire arms had to be used to disperse the rioters. Immediately after that a large number of persons connected with the movement were arrested under section 107/151 Cr. P. C. The District Magistrate of Delhi had found it necessary to make an order under section 144 Cr. P. C. prohibiting assembly of five or more persons, which naturally included all processions, but the supporters of the movement went on organising such processions and courting arrest and in the result, starting with April, 1966, a number of persons supporting this movement were put in jail and lodged in the Central Jail, Tehar, which is just outside Delhi Cantonment. These persons were usually convicted under section 188 I.P.C. for defying a lawful order and sentenced to a few weeks imprisonment, but, of course, many of them continued to get convicted again and again. After November, 1966, I understand, the movement gathered larger momentum and during the winter, December, 1966 and January, 1967, there were in the Central Jail, Tehar as many as 4,500 such prisoners at one time. This, of course, resulted in over-crowding and at one stage a camp jail immediately adjoining the Central Jail was started. After the general elections in February-March, 1967, the movement slowed down and this, I am told, was due to the fact that a political party much in sympathy with the movement had gained power in the affairs of the Delhi Administration. All the same the movement went on and the number of prisoners in the jail connected with this movement, who have been described in these proceedings as 'satyagrahi prisoners', remained in the neighbourhood of 1,000. Many of these prisoners were sadhus and had been attracted from all over the country. Some of them were very venerable sadhus. On the 29th June, 1967, thus there were 945 satyagrahi prisoners in the jail. That evening round about 8.00 p.m. a disturbance took place in the jail. It was officially described as a fight between the satyagrahi prisoners and some ordinary convicts. In the result a large number of persons were injured,—many of them very seriously—and over a dozen of the injured had to be sent for medical attention to the Irwin Hospital. The District Magistrate, who visited the jail that night, immediately ordered a judicial inquiry to be held by an Additional District Magistrate. Parliament was sitting during those days and Members of Parliament. It appears, were not satisfied with the steps the authorities had taken in connection with this disturbance and on the 3rd July, 1967, a motion for the adjournment of the Lok Sabha was moved. After the motion was discussed the Union Home Minister, on behalf of Government, made a statement that Government had decided to appoint a Commission of Inquiry for the investigation of the facts concerning the disturbance

and that a serving or retired Judge of the High Court would be appointed. The adjournment motion was consequently withdrawn. On the 12th of July, 1967, and in pursuance of the announcement made in the Lok Sabha, the Central Government appointed this Commission of Inquiry to:—

- (a) Inquire into and report on—
 - (i) the causes and course of the disturbances;
 - (ii) the way the jail authorities dealt with the situation; and
- (b) recommend whether any change in the working arrangements or other measures are necessary to prevent the recurrence of similar incidents in the jail

Two months' time was fixed for the submission of the Commission's report but I found later that the time was insufficient and the Central Government extended it up to the 11th of October, 1967.

(2) In the inquiry the Sarvadaliya Go Raksha Maha Abhiyan Samiti was represented before me by Mr. V. P. Joshi but towards the conclusion of the inquiry Mr. R. L. Kohli, was instructed to argue the case while Mr. Joshi continued to represent some of the sadhus. Another counsel Shri B. S. Sethi was allowed to appear on behalf of one of the injured persons, Dr. Raghubir Singh and the Delhi Administration was represented throughout the proceedings by Shri Bipin Behari Lal. Altogether 22 witnesses were examined before me and apart from that a number of affidavits were put in. The record of the uncompleted inquiry started by the Additional District Magistrate was also submitted to me.

(3) About the broad facts the evidence is sufficiently clear. About some of the details, however, there is some confusion. Some of the confusion arises inevitably out of the situation itself but much of it is caused by the anxiety of some of the jail officials to disown unpalatable facts and the facts, I might say at once, are ugly indeed. The Union Home Minister saw some of the results of this disturbance four days after the event and he was 'shocked'. I do not wish to use strong language but I cannot help saying that what happened in the Central Jail on the evening of 29th June, 1967, should not happen inside any jail, at any time. I am here not thinking only of the large number of persons injured in the disturbance nor so much of the serious nature of the injuries, I am thinking mainly of one fact which emerges clearly out of the evidence that at one time during the disturbance of congregation of about 200 persons sitting quietly in a lawn and listening to a religious discourse was deliberately set upon by a crowd of persons, most of whom were persons in authority in the jail and serious injuries including broken bones, were inflicted on innocent persons and even the venerable figure of Swami Kirpatiriji giving the discourse was not spared.

(4) To appreciate the evidence regarding the incident itself, it is, I think, necessary to understand the general outlay of the inside of the jail and to facilitate that I am attaching a copy of the plan prepared during the inquiry. The building of the Central Jail is conventional in type. The entrance is through a 'deori', which has two gates—the outer gate right outside the jail and an inner gate at the end of the 'deori'. The administrative offices are located in and above the 'deori'. Beyond the 'deori' there is a kind of a quadrangle with open ground in the middle divided into a number of lawns. On the opposite side of this quadrangle i.e. facing the 'deori' is, what is called the Central Control Tower or more frequently the 'chakar'. At this place are a few buildings apart from the tower itself and they house a canteen, a library with an open verandah in front of which is a small open air theatre, the verandah itself serving as the stage. These are the amenities provided somewhat recently in the jail and, of course, to avail of these amenities a number of prisoners are permitted to go to this place called the 'chakar' every evening. Then there are the other two sides of the quadrangle consisting entirely of the wards for prisoners apart from the kitchen and the hospital. On the right hand side as you enter the jail there is, nearest to the 'deori' itself, the Female Ward, then, going towards the chakar, is the Under-trials' Ward consisting of three rooms and next to it is Cook House Ward and then comes a ward called Ward No. 1. In this ward there were, on the 29th June, 1967, over 300 satyagrahi prisoners. Next to it is Ward No. 2, where ordinary convicts were lodged and then there is another ward called O.P.D. Ward also housing ordinary convicts. On this side of the jail, thus, there was one ward exclusively used for satyagrahi prisoners and there were two wards where ordinary convicts were being kept. On the left hand side of the quadrangle there is again nearest to the 'deori' a ward called 'B' Ward, exclusively used and occupied by

satyagrahi prisoners again about 340 in number. Next to it, going towards the 'chakkar' is the New Admission Ward and in that ward there was a mixed population of satyagrahi prisoners and ordinary convicts. Next to it is the hospital and then an open piece of land and beyond it the Quarantine Cells. There also there was mixed population. One remarkable fact thrown up by the evidence is that although this disturbance or riot or fight was between satyagrahi prisoners on one side and ordinary convicts on the other, no incident or fighting at all took place in the wards where both satyagrahis and ordinary convicts were actually lodged. On the other hand the fighting was confined to the two wards—Ward No. 1 and 'B' Ward, where satyagrahi prisoners alone lived, a part of course from the open lawn close to the 'deori' where the religious discourse was going on and where again only satyagrahi prisoners were supposed to attend.

(5) As I have mentioned the 'chakkar' or the Central Tower is a place of considerable activity and it was at this place that the trouble, which ended in the disturbance, started in a very small way. One of the satyagrahi prisoners named Sukhdhayal lost his pair of goggles. Somebody apparently found it and deposited it at the 'chakkar' with the munshi named Bhagwandass. When Sukhdhayal came to know of it he along with a companion named Ude Giri went to the 'chakkar' to get back the goggles. This was found about 7-00 p.m. on the 29th June, 1967. The chakkar munshi was unwilling to make over the goggles to Sukhdhayal until he was satisfied that the goggles belonged to him. He, therefore, asked Sukhdhayal for a detailed description of the goggles. This seems to have upset Sukhdhayal and in the result there was some altercation between two of them. The evidence shows that Bhagwandass, who has some kind of authority, as he maintains the prisoners' register at the 'chakkar', slapped Sukhdhayal. On this Sukhdhayal and Ude Giri returned from the 'chakkar' and went to complain about this matter to one of their leaders, Swami Bamdevji. At that time satsang was actually being held in the lawn right opposite the Female Ward and quite close to the main 'deori'. Swami Bamdevji agreed to look into this matter and he went some way from the satsang towards the 'chakkar' along with Sukhdhayal and Ude Giri. He was, at that time, very keen that no quarrel should be provoked and when he saw a Chief Head Warder named Avtar Singh going towards the 'chakkar' he thought it advisable to hand over the dispute to him and he suggested to Avtar Singh that he might take Sukhdhayal and Ude Giri with him to the 'chakkar' and get the goggles back. Avtar Singh readily enough agreed to this course. In the meantime a few other persons who were in the 'satsang' or going about that place, felt curious about what was happening at the 'chakkar' and started going towards it. Swami Bamdevji tried to stop them but some of them apparently did go on to the 'chakkar' along with Avtar Singh, Ude Giri and Sukhdhayal. By that time it was round about 7-45 p.m. Avtar Singh asked Bhagwandass what the trouble was and Bhagwandass explained to him that the goggles could be returned only if the claimant i.e. Sukhdhayal could give an accurate description. This, apparently, struck Sukhdhayal and his other companions as mere officiousness and they started protesting, possibly in rude language. The quarrel seems to have developed and the evidence shows that one of the satyagrahis caught hold of and roughly handled Avtar Singh. At the same time somebody struck Bhagwandass a blow on his head with some stick. At the chakkar, apart from Avtar Singh and Bhagwandass, there were a number of other convicts and some of them convict officials. There was a man in charge of the canteen; another one in charge of the library and 2/3 others, who were supposed to assist them. Those persons, naturally, took side with Bhagwandass and Avtar Singh and in this manner a small incident developed into a heated quarrel and the use of some force. It is said, and there is no reason to disbelieve this, that some of the satyagrahis picked up pieces of bricks or broken flower pots from the lawn outside the 'chakkar' building and threw them at the canteen building and some glass-panes were broken. Nobody, however, was seriously hurt at that place. Avtar Singh says that somebody, obviously some convict official started blowing his whistle as a jail alarm. This is the usual routine in a jail when any disturbance is apprehended. The rule is that every other official who hears such a whistle must blow his own whistle and this ultimately leads to a general alarm in the form of a going outside the jail and another going which is kept at the Control Tower. When the first whistle was blown the satyagrahis dispersed and ran away. It is said that they ran in two directions generally. Some 8/10 went towards 'B' Ward, which is their ward. The others went towards the 'satsang' ground. The disturbance was seemingly over. Actually, however, matters were not permitted to rest there. Within a short time, it appears, that a number of convict officials and some ordinary convicts collected together and decided to chase and beat the satyagrahi prisoners including the sadhus. They went into 'B' ward and beat the satyagrahi there. Some of them went to the 'satsang'

ground and beat the prisoners sitting there. Some of them or perhaps the same prisoners, a little later, went to Ward No. 1 and beat the satyagrahi prisoners there. The question that arises here is how the convict officials or the ordinary convicts, in any number, at all thought it necessary to join in this incident. On behalf of the Samiti it is alleged vehemently that there was a pre-existing plan organized by the officers of the jail including, perhaps, the Inspector-General of Prison and the plan was put into effect when a suitable pretext presented itself so that the satyagrahi movement might be crushed. With this contention I think I might deal at once. It is in the evidence of the District Magistrate (Shri B. N. Tandon) and even without evidence it would have been safe to assume that government i.e. the Central Government as well as the Delhi Administration were anxious that the agitation started by the Go Raksha Maha Abhiyan Samiti should end. Any government would like the termination of a movement involving breach of the law but apart from that this particular mass movement was a strain on the administration not only the jail administration but even more so the general administration in Delhi responsible for maintaining law & order. Attempts were consequently made, from time to time, to persuade the leaders of the Go Raksha Samiti to stop or suspend the agitation. At one stage in particular when Jagat Guru Shankaracharya at Puri had started a fast, government were very keen that the fast should be ended. This was sometime in January, 1967. A delegation went from Delhi and that included Swami Kirpatriji, who was permitted to accompany it from the Central Jail, Tehar. Ultimately, the fast was broken but otherwise the agitation continued and sadhus and other volunteers went on courting arrest and the jail remained overcrowded. On these circumstances, the suggestion is founded, that Government having failed to persuade the Samiti to end this movement, decided to use force and terrorise the volunteers inside the jail so that those intending to join the movement, who were still out of jail, might be deterred. The other suggestion is that possibly at a lower level the District Magistrate, Delhi, who is also the Inspector General of Prison, decided to crush this movement by terrorising the volunteers in the jail and for this purpose took into his confidence some of the jail officials who carried out the plan as soon as an occasion arose on the 29th June. It is obvious that one has to look for very perverse mind to have conceived a plan of this kind and I cannot readily think of any responsible government or any responsible officer with such a mind. Apart from that it is clear that any intelligent person familiar with this country's recent history of mass movements would know that a movement of this type cannot be ended by use of force in the manner suggested and responsible officers of the government must be credited with some intelligence in this connection. I cannot imagine that an experienced civil servant could be persuaded to think that beating up a number of satyagrahis in the jail, however large would put an end to a movement of this kind. Nor is it that any officer had any great interest in ending the agitation. The District Magistrate of Delhi is not attached to his office for ever and, however, interested he may be in the maintenance of law & order in Delhi, he knows that it is only for the moment and the problem may at any time pass out of his hands. Over and above all this would be the obvious risk of taking into confidence any subordinate for the execution of such a wild plan. For sheer stupidity, therefore, the conception of such a plan would be hard to heat. While, therefore, I am willing to accept that some members of the Go Raksha Samiti have had such a suspicion, I am satisfied that it has not been founded on any reasonable basis.

(6) An alternative suggestion made in the course of the evidence was that the two satyagrahi prisoners who initially started the quarrel with the chakkar munshi, (Sukhdayal and Ude Giri) were not genuine satyagrahis but police agents, who were persuaded to join the movement for the sake of creating trouble and provoking a quarrel with the jail authorities. There is no evidence to support this suggestion. Mr. V. P. Joshi sought to conclude it from the behaviour of the two men involved. I am not persuaded that a mass movement of this type will not at sometime or other attract some undesirable elements and if the evidence shows that Sukhdayal and Ude Giri were not entirely desirable persons, that does not make them to be police agents. About the other satyagrahi prisoners the opinion of all the jail officials is that they gave no trouble and were amenable to jail discipline except that they did, from time to time, make demonstrations in support of their various demands for better treatment. Actually, the satyagrahis were being treated much better than ordinary prisoners. They were allowed to cook their own mea's inside the jail. They were allowed to take their own beddings into the jail. They were allowed to receive gifts of food and fruit and other articles from outside the jail. They were not allotted fixed places in the wards where they were kept and apart from the number of prisoners allotted to each ward the persons were interchangeable. It is also clear from the evidence that the jail officials largely permit-

ted internal discipline among the satyagrahi prisoners to be maintained by their own leaders who were in the jail. The satyagrahis were allowed to congregate freely in the jail compound and particularly in the evening there was everyday a religious discourse and those of the satyagrahis, who wished to attend it did so. I am mentioning all this because it does occur to me that this preferential treatment which was very different from the treatment of other prisoners, might well have excited certain amount of jealousy and heart-burning among the ordinary convicts and although, there never was any overt exhibition of that jealousy, it is not unlikely that a certain amount of jealousy and hostility had come into existence and that had something to do with the severity of the attack made on the satyagrahis on the 29th June.

(7) It would be helpful, I think, to look at the condition of the Central Jail, Tehar, as it was on the 29th June and in particular the state of affairs touching the maintenance of discipline among the staff and among the prisoners. This jail is meant to hold comfortably 1273 prisoners. On the 29th June, 1967, there were in all 2512 prisoners in the jail. Of these, 584 were sadhus who had been actually convicted, another 349 were sadhus who were undertrials, making a total of over 900. The staff available to maintain discipline among this large population consisted of 10 Assistant Superintendents, 15 Head Warders, 139 paid Warders and 116 Convict Officials. There was, of course, one Deputy Superintendent of the Jail, in complete executive charge, and over him the Superintendent. Everybody agrees that this staff was inadequate to satisfactorily deal with the number of prisoners in the jail. What is more unfortunate, the Superintendent had formed the impression that some of the jail officers including the Deputy Superintendent were not working satisfactorily and he had moved for the transfer of some of them. The part of the staff, I am particularly concerned with in this case consists of 136 convict officials which fall in three categories—(i) convict watchmen; (ii) convict supervisors; and (iii) convict warders. It will be noticed that the convict officials were in number nearly equal to the paid warders and it is clear that a large part of the task of maintaining discipline among the prisoners rested on the convict officials and sixty two of the convict officials were lodged in the New Admission Ward which adjoins the 'B' ward.

(8) The Central Jail, Tehar, was built in 1958 and it was till the 1st of August, 1966, under the control of the Inspector-General of Prisons, Punjab. After 1st August, 1966, the jail was taken over by the Delhi Administration and the District Magistrate of Delhi was appointed the Inspector-General, in addition, of course, to his own duties. Mr. B. N. Tandon was till the time of giving his evidence the first Inspector-General. He had visited the jail on several occasions but had not, due to lack of time, inspected it in a regular and formal manner. He is required to do so once in a year and of course could have done it subsequent to the 29th June. The point I am making is that the formal inspection of this jail was certainly due at the time of this occurrence. What is more important, no alarm parade had been held in the jail during 1967 at all and the last alarm parade was, sometime, in July, 1966. The point of an alarm parade is to rehearse the arrangements that have to be made in the case of a real alarm. The jail rules apparently treat the holding of these alarm parades as important and the rule, therefore, says that it should be held twice in every month. The Punjab Jail Manual then lays down in an elaborate manner the various steps to be taken in the case of an alarm, real or false and emphasizes that "prisoners should not know whether any given parade is merely for practice or not, the same attention to details should be given on all occasions". The idea of this is not only to instruct the jail officials in their respective duties in case of an actual disturbance but also to instruct the prisoners how they should act when an alarm is sounded. One of the things required to be done immediately on the sounding of an alarm is that the gates to the various wards and barracks must be locked up so that no prisoner can get out and join any disturbance nor anybody from outside interfere with any of the prisoners. At the same time the rules require that every prisoner who happens to be outside must immediately get inside the nearest ward, the idea being that nobody not directly concerned in the disturbance should remain at large. It is clear that as far as the 900 satyagrahi prisoners were concerned they had never been properly instructed as to how they should act in case of an alarm. Nor did they actually face such a situation during the several months preceding June, 1967. While, therefore, if the rules have been properly observed, the satyagrahi prisoners congregated in the satsang ground would have,

on the commencement of the alarm, dispersed and gone to their wards, the actual fact is they continued sitting where they were. One other rule needs to be noticed and it is of the greatest importance. Paragraph 385 of the Punjab Jail Manual says "that every prisoner in the jail shall at all times, both by day and night, be in charge of some officer, in such a manner that responsibility for an escape resulting from negligence, can be definitely fixed." I am mentioning this rule because evidence has been called to show that a number of prisoners i.e. ordinary convicts happened to be out of their barracks at the time of this incident. Some of them, I think, had gone to the canteen; some to the library and so on. Some of those prisoners joined in this fight with the satyagrahi prisoners. It is clear, however, that each one of those prisoners was, if the rules were being observed, in charge of some officer of the jail and unless that arrangement had collapsed completely there was not much chance of any of those prisoners taking part in this fight. I will come to the question of fact in this connection in a moment but I am mentioning the rules because it seems to me that they were not being meticulously observed. In one case it is admitted that one ordinary prisoner named Chain Singh was by himself when he passed in front of satyagrahis' ward namely Ward No. 1. Looking thus at the circumstances as they were on the evening of the 29th June, it seems to me that the Central Jail Tehar was overcrowded and inadequately staffed and the state of discipline inside the jail was certainly not high.

(9) To go back to the events it has not been possible to find out except in a few cases, which of the satyagrahi prisoners were injured inside 'B' ward or at the satsang ground or in Ward No. 1. The reason partly is that by the time this inquiry started all the satyagrahi prisoners had been released from the jail and had dispersed to various places in the country and although notices were sent to each and every one of them, it was due to incomplete addresses in most cases, not possible to reach them or at any rate not possible to persuade them to appear. The jail authorities kept no record of the allotment of the satyagrahi prisoners to various wards. As a matter of fact the allotment was left to the spokesmen of the satyagrahis and as I have mentioned already such allotment was inter-changeable at will. What is very clear, however, is that a large number of satyagrahi prisoners were, in fact, injured. Fifty six injured persons were admitted to the jail hospital on the night of 29th June. Seven, who were more seriously injured, were immediately sent to the Irwin Hospital. Of these seven, two had broken arms; one a broken leg. The remaining four had head injuries fairly serious in nature. In one case there was concussion of the brain. Of the 56 admitted in the jail hospital, more than a dozen had broken bones. One of these men was discharged from the jail while his arm was still in plaster on the 14th July. Another man who appeared to give evidence before me still had his arm in plaster three months after the incident. One of the injured men, was 65 years old, having multiple contusions on his back. Another man was 64 years, again with multiple abrasions on his back. Another one was 70 years old with a suspected fracture in the left shoulder. One of the injured men, Sia Ram Avdhoot, mentioned his age 105 years. He too had contused abrasions on his back. Some injured persons were admitted to the hospital on the 30th June but I am not going into details as their injuries were not so serious. Some, of course, were never admitted to the hospital but were treated as Out-Door Patients. Of them I am not taking any notice in the present discussion. Among the ordinary convicts, there were, according to medical records, 12 persons examined by the medical officers on the 29th June or 30th June. Only one among those dozen men had a bone broken and that was only a crack fracture of the right little finger. Several of these injured men were referred to the Irwin Hospital but no broken bone was found. Some injuries were found on some of the prisoners subsequently i.e. on the 30th June but those injuries were never examined by a responsible medical officer. They were merely treated by a compounder. Considering the circumstances, I am very suspicious of the numbers stated to be involved. It is true that the doctors in the jail hospital were over-worked and could not, perhaps, look at all the injuries but there seems no reason why a proper record of the ordinary convicts, who were injured, was not prepared at some time or the other, if the injuries were clear enough to be called injuries by a doctor. In any case the number of those prisoners who had minor injuries was not so large. It is perfectly clear from the injuries and Mr. Bipin Behari Lal had to some extent admit this that the fight, if it is to be called a fight at all, was mostly one sided. Actually, it was not much of a fight. The satyagrahi prisoners had provoked the incident but subsequent to that they were the victims of a deliberate assault on them and it was not confined to those who may have been concerned in the provocation. Of course, some of the satyagrahis retaliated and injured a few of the convicts.

(10) Evidence has been called to show that in the 'B' Ward trouble started because a group of satyagrahi prisoners went there rushing from the 'chakkar' and seeing the convict official in charge of the gate of the ward, named Dev Kishan, they set upon him and some one hit him on the head which resulted in a rumour that Dev Kishan was killed and which in turn excited the convict officials and the other prisoners collected outside and they entered the 'B' Ward and beat up the satyagrahis. Regarding Ward No. 1, it is said and evidence has been called to show that one ordinary prisoner named Chain Singh happened to be passing by that ward when without any apparent cause but just because a quarrel had started at the chakkar, some of the satyagrahi prisoners in Ward No. 1 caught hold of Chain Singh and bodily lifted him from the road, took him inside the ward and beat him there. On that, according to the Jail witnesses, a number of prisoners from the adjoining ward, Ward No. 2, and also from the O.P.D. Ward, broke into Ward No. 1 and fought with the satyagrahi prisoners there as they wanted to rescue Chain Singh. The story that Chain Singh was quietly passing by Ward No. 1 when the satyagrahi prisoners, known to be otherwise peaceful, suddenly decided to beat him and for that purpose dragged him to their own ward, sounds very unconvincing to me. Chain Singh does say so but he is not corroborated by the jail officer who should have been with him at the time if the story is true. The explanation offered is that that officer had left Chain Singh a little while before he was caught, but why he did so is not explained. Chain Singh was undoubtedly injured. He had two injuries on his head and one small injury on his right ankle apart from a small abrasion on the left knee. These injuries he could have sustained while fighting in Ward No. 1, if he was with the other prisoners and convict officials who went into Ward No. 1 to beat up the satyagrahis. Nor am I impressed with the story of Dev Kishan concerning the circumstance in which he was injured. He also had an injury on his head, another one on his arm and the third one on the left palm. The counter story is that Dev Kishan was beaten by the convict officials who went into 'B' ward because Dev Kishan would not open the gate and some of them had to climb over the wall to get inside. This too seems unconvincing and improbable. The truth may well be that he was with the other convict officials who went to 'B' Ward and beat the satyagrahis and was injured there. I now come to a remarkable fact touching both Ward No. 1 and the 'B' Ward. When the jail officers i.e. the Deputy Superintendent, jail and the Superintendent arrived in 'B' Ward, they saw, and they leave no doubt about this matter, a number of convict officials and some ordinary convicts beating the satyagrahis or as they call it fighting with them. Their evidence is that the convict officials had picked up pieces of firewood lying in the compound of the 'B' ward. Actually, the police found in the compound four real 'latthis' so that there is little doubt that 'latthis' were used in the fight. In any case, the point is that a number of convict officials were actually seen by these responsible jail officers inside 'B' ward where they had no business and where they were engaged in activity clearly constituting a serious prison offence. Soon after the appearance of the officers the fighting stopped and all these convict officials were taken out of the 'B' ward and sent elsewhere in charge of a warder. The remarkable circumstance is that no attempt was made at that time to note down the names of those convict officials who had been found inside 'B' ward and more remarkable still that it did not occur to any of the officers that their names should be ascertained and placed on paper so that no difficulty may arise in any subsequent action to be taken against them. Similarly, a number of them were seen in Ward No. 1. Similarly, in the satsang ground also the general impression of the witnesses is that the beating up of the satyagrahis was by the convict officials. No attempt, however, was made to fix the identity of those convict officials and no explanation that would satisfy me has been offered. Only the Inspector-General of Prison (Shri B. N. Tandon) offered an explanation and, of course, he was not directly concerned. He says that when the incident was witnessed by the jail officers including the Deputy Superintendent, these officers were concerned with quelling the disturbance and not with finding out the identity of the culprits and later on those officers got busy with so many other matters like looking after the injured and the matter of fixing the identity of the offenders got lost. It is, I find, very difficult to imagine that the Deputy Superintendent, Jail, whose main duty is to maintain discipline in the jail and even the Superintendent who is equally responsible, could have lost sight of a glaring fact like this that a number of convict officials had been guilty of serious breach of discipline. I am, on the other hand, left with the impression that these officers have chosen to adopt this attitude in order to protect their subordinates whom perhaps they think they can otherwise deal with. I can appreciate the instinct of an officer to protect his subordinate in certain circumstances but as far as my present task is concerned I can only regret that it has been done in this case. One more circumstance equally curious I have to mention. The alarm, according to the gate register, started at 8-05 P.M.

The Deputy Superintendent, Jail entered the 'deori' almost immediately, according to the gate register and his evidence too is that he was outside the gate when he heard the alarm. He went into the jail along with a number of warders whom he arranged in proper formations on the road directly inside the inner gate of the jail. That same road borders on the satsang ground. He took sometime for arranging the warders into various groups whom he sent out to satsang ground while he himself with other warders went into 'B' Ward. The next officer who entered the jail was the Superintendent, Jail and the time recorded is 8-10 p.m. In the 'deori' he spent a little time trying to get into touch with the District Magistrate on the telephone. That attempt failed and the Superintendent then entered the inner gate of the jail and went inside. The time may have been 8-13 or so. Dr. Gupta entered the jail at 8-10 p.m. Dr. Issar entered the jail at 8-17 p.m. The inner gate of the jail is about 60 yards from the place where Swami Kirpatrui was sitting and satsang was going on. The lights in the jail compound were on, of course, at that time. None of these officers saw any fighting in the satsang ground and each one of them says that everything was quiet there and some say that satsang was actually going on. It is equally clear from the evidence that the beating of the satyagrahis at the satsang ground took place sometime between 8-17 and it was all over by that time because the Superintendent, Jail went to the satsang ground round about 8-20 p.m. and he saw no fight. One set of warders, 8/10 in number, was sent by the Deputy Superintendent, towards the satsang ground in charge of Assistant Superintendent, Roochi Ram Sharma, who says that when he was on the road near the inner gate he did not notice any fighting in the satsang ground but when actually he reached the place i.e. the satsang ground, the fight was going on. The suggestion at the time of the evidence was that what was happening in the satsang ground was not visible from the road inside the inner gate of the jail. After the evidence was over, I alongwith counsel engaged on this inquiry, inspected the jail and we arranged to remain in the jail till after dark to see the lighting. I noticed that although the compound of the jail was not so well lit as the compound of a jail ought to be, there was sufficient light for ordinary identification purposes and standing on the road near the inner gate I could see everything in the satsang ground. I do not, therefore, believe that if a fight was actually in progress in the satsang ground at any time before 8-05 p.m. when the alarm was sounded and 8-17 when the fight is said to be over, none of the officers passing through the inner gate noticed it. The explanation, probably, is that the officers arrived in the jail a little later than the gate register indicates and having learnt in the 'deori' itself, that the fighting was in the 'B' ward, they thought it advisable to proceed to 'B' ward, ignoring the fighting in the open ground. Actually the point is of no great importance although it did keep me confused for sometime.

(11) To sum up on the 1st question raised in the terms of reference, my conclusions are these :—

- (i) About 7-30 p.m. on the 29th June, 1967, a small dispute concerning a pair of goggles led to a quarrel between a dozen or so satyagrahi prisoners on one side and half a dozen or so convict officials and their assistants on the other.
- (ii) In the quarrel some of the satyagrahi prisoners roughly handled a Head Warder present at the time and also hit a convict official on the head and caused damage to the window panes of the buildings in the Control Tower.
- (iii) An alarm was sounded which soon became general and the satyagrahi prisoners collected there immediately dispersed.
- (iv) The alarm brought to the Control Tower or its neighbourhood, a large number of convict officials, who were available inside the jail.
- (v) On hearing what had happened these convict officials felt highly indignant and decided to chase and beat up the satyagrahi prisoners. Some of them went into the 'B' Ward and beat the satyagrahis present there while some of them proceeded to the satsang ground and beat the congregation there.
- (vi) After the disturbance in these two places was stopped, some of the same convict officials and other convicts proceeded to ward no. 1, which is behind the Control Tower and there they beat up the satyagrahi prisoners.

(vii) In the beating fairly dangerous weapons were used apart from those readily available on the spot.

(viii) While the initial fault lay with the satyagrahi prisoners, the major part of the disturbance was a voluntary and unjustified attack by some of the convict officials with the assistance of some ordinary convicts, on the satyagrahi prisoners at three different places.

(12) On the second question i.e., the way the jail authorities dealt with the situation, I feel satisfied that the higher officers acted promptly. The evidence also shows that they acted in a proper way. The alarm, as I have mentioned, is shown as having started at 8-05 p.m. This I take it to mean that by then there was a general alarm in the jail. Within a few minutes the Deputy Superintendent of the jail is shown as having entered the jail. The Superintendent followed him within five minutes. The Superintendent's evidence is that while he was in the deori he learnt that the disturbance was going on in 'B' ward. It must have taken some time for such precise information to reach the 'deori' and it, therefore, seems likely to me that the times mentioned in the gate register are earlier than the actual times. There is, however, little doubt that there was any delay on the part of these two responsible officers. Not on the part of the Assistant Superintendents, whom the Deputy Superintendent found inside the 'deori'. One Assistant Superintendent, Aziz Chand, actually proceeded earlier to the 'B' ward, where the disturbance was taking place. His evidence is coloured to some extent by his desire to protect the subordinates in the jail but there is little doubt that he reached the scene of the incident within a very short time. He saw the convict officials, 10/15, according to him, fighting with the sadhus inside 'B' ward. The fighting was with pieces of firewood, according to him, and one convict official Dev Kishan was lying injured in the compound. He says that he actually received an injury but there is no record of that injury in the medical officer's book. The Deputy Superintendent and the Superintendent proceeded directly to the 'B' ward with a number of warders. Another set of warders was sent to the satsang ground in charge of an Assistant Superintendent. The evidence is that immediately after these two higher officers entered the 'B' Ward, they were able to stop the fighting with the aid of the warders with them. No mishap occurred while the warders bodily intervened to stop the fight and in the circumstances this is not surprising, for the real assailants were the convict officials and seeing their higher officers on the scene, they must have stopped. At the satsang ground the fight was stopped soon after two Assistant Superintendents and some warders reached there, in Ward No. 1, however, the fighting continued longer because that ward is situated a little away from the 'deori'. It is, in fact, on the other side of the 'chakkar' and my impression is that much of the damage to the satyagrahi prisoners occurred there. Blood was found in that ward inside two barracks apart from some places in the compound. In that ward also the Deputy Superintendent and certain other officers reached within a short time and the disturbances were stopped. While this was happening a word was sent to the medical official of the jail, who was at his house and even he reached the jail at 8-17 p.m. When it was discovered that the number of the injured persons was considerably larger than could be quickly handled by the jail staff, a number of doctors were summoned to the jail from outside and the injured persons were attended to quickly. There was, thus, no failure of the machinery designed to deal with the disturbance as far as the higher level was concerned. At the lower level, however, there was in part, at any rate, a complete break down because most of the convict officials meant to bring a disturbance under control, had themselves brought about the disturbance and instigated some of the prisoners to do so. It also appears that the warders, even the paid ones, who inside the jail when trouble started were unable to handle the situation at once and this is not surprising as the persons to be controlled were themselves officials although convicts. The first organized effort to stop the disturbance was made when the Deputy Superintendent entered the jail with the warders from outside. There were some suggestions made in the course of the inquiry that even the higher jail officers and in particular some Assistant Superintendents were looking on without doing anything when the satyagrahi prisoners were being beaten in the satsang ground or in ward No. 1. The evidence lends no support to these suggestions and there is no reasons to think otherwise that any such officer was so callous as not to stop the disturbance as soon as practicable. Nor am I impressed by the suggestion that after this incident was over the officers of the jail looked please as if they had either accomplished something or something which they approved had happened. Swami Bamdevji who is one of the spokesmen of the satyagrahis in the jail gave evidence before me and he is, I believe, a responsible person. His evidence although little biased, generally accords with the broad facts mentioned by me. His earlier statement before the Additional District Magistrate

in the unfinished inquiry was even more in accord with those broad facts. He mentioned then that a number of warders and an Assistant Superintendent did arrive in the satsang ground and their assailants then ran away. To sum up I find that the only dereliction of duty and it was a serious one in this case, was on the part of the convict officials and possibly a few warders. All these persons should have been engaged in stopping the disturbance and not, as they actually did, in spreading and worsening it. I can only express my hope that the jail authorities will find it possible to identify the culprits involved in the incident and deal with them suitably.

(13) Regarding the recommendations for preventing a recurrence of similar incident in the jail, the only suggestion, which I consider worth making is this that the standard of discipline inside the jail, both among the officials and the prisoners must be maintained at a high level. The present disturbance has, in my opinion, been due to a fall in that standard. The rules contained in the Punjab Jail Manual which govern this prison are sound. Those rules must be observed with meticulous care. It was suggested and I am satisfied that some of the rules, have due to change of circumstances, become impracticable in working. I am not going into details but merely wish to say that such rules must immediately be amended, as I am convinced that nothing is so detrimental to the maintenance of discipline as the frequent violation of a laid down rule. I hope I will not be taken to mean that the prisoners in the jail should be treated harshly. Nothing is farther from my thoughts. I do, however, mean that the jail authorities must ensure that prisoners conform to the patron of conduct laid down for them and this, of course, in their own interest. Even more than that the discipline among the jail officials whether they are paid officials convict officials must be maintained. In the present case it was the collapse of such discipline among the convict officials which led to the worst phase of this disturbance. Having heard the evidence in this case I am beginning to doubt the wisdom of employing convicts for keeping order in the jail. I have not, in this inquiry, been able to go into this matter but I would suggest to the appropriate authorities that this question might at any suitable opportunity, be seriously considered. It is, perhaps, cheaper in term of money to supplement the ordinary paid staff with a number of practically unpaid employees and I also know that the system has worked, apparently, satisfactorily for a long period of time. All the same in the context of the present day conditions it would, I think, be fruitful to consider the matter afresh.

A number of other suggestions were made in the course of the discussion before me. They do not all touch the question of preventing a recurrence of a disturbance of this kind but some are otherwise sound and practicable. It was pointed out, for instance, that the rule about the looking up of the jail before sunset is not being observed in this jail since very long because, and I am accepting this reason as correct, the jail is situated at a long distance from the courts and the undertrial prisoners who are taken to the courts every morning cannot go back to the jail till it is dark and of course, they have to be counted and otherwise checked before entering. This particular jail is at some distance from Delhi as well as New Delhi as a Central Jail should be. As a Central Jail, therefore, it is well situated. For the housing of undertrial prisoners, however, it is very unsuitable. I would, therefore, suggest, as perhaps has been suggested already, that a subsidiary jail near enough to the courts should be established for housing undertrials and possibly short-term prisoners. Next there is the question of the over-crowding and consequent under-staffing. I have already said more than once that this jail is under-staffed. That does not tend to keep discipline very high. Adequate staff must be provided for the jail if the higher officers are to function smoothly. I know that the Inspector-General of Prison has had difficulty about obtaining well trained staff from other places and, of course, training takes sometime, but that seems to me a minor problem. The point is that the jail cannot be left under-staffed if proper and efficient administration is to be expected.

The jail compound is poorly lit at night time. I understood from the Superintendent, Jail that suggestions for better lighting have been made but not implemented. Although the matter does not really concern the present inquiry, I am taking the liberty of mentioning here that for reasons of security it is necessary that there should be more light in the jail compound and that can be easily done by fixing a dozen or so search lights in the compound.

One anomaly in the administration came to light in the course of evidence. The District Magistrate has, under the jail rules, certain functions in connection

with the jail. The Inspector-General of Prisons has certain other but distinct functions in connection with the jail. In Delhi, the two offices have been combined, which may well at times be embarrassing to the officer on whom this burden has been placed. I was told after the evidence was over that the anomaly has been removed.

I am grateful to learned counsel who assisted me in the inquiry. They naturally bore the main burden yet helped to maintain an atmosphere of free and easy cordiality throughout the inquiry. I also wish to record my impression that as far as the sadhus are concerned—the incident of 29th June has not left behind any bitterness. I hope I am right.

Dated the 10th October, 1967.

S. S. DULAT,
Commission of Inquiry, Delhi

